

(195⁴⁹) Department.

ew **SERIES.**

G.O. No. 345

Dated 14-2-1949

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
m.o.	128894/49-4	Rev.	26-3-49.				
ells.	2663	Rev.	14-9-53				

MEMO NO. 5415-H/47-17 dated 25.8.1948

Acts - The Tungabhadra project
(Prevention of speculation in Land) Act, 1947 - Rules Issued. }

The appended notification will be published in part I of the Fort St. George Gazette dated 31-8-1948.

Sd/-x x x x x

To

The Board of Revenue.
The Collectors of Bellary and Kurnool.
The Special ~~Engin~~ Chief Engineer.
The Superintendent Government Press for publication of *notification*.
The Director of Information and Publicity.
The Public Works Department.
The Legal Department.
The Finance Department.

Appendix

N o t i f i c a t i o n

In exercise of the powers conferred by section 14 of the Tungabhadra Project (Prevention of speculation in land) Act, 1947 (Madras Act XIII of 1947), His Excellency the Governor of Madras hereby makes the following rules."

Sd/-x x x x x

R U L E S

1. These rules may be called the Tungabhadra Project (Prevention of Speculation in Land) Rules, 1948.

2. In these rules, unless there is anything repugnant in the subject or context --

(a) '^{the} ~~Form~~ Act' means the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947.

(b) 'Form' means a form appended to these rules;

(c) 'Government' means the Provincial Government;

(d) 'section' means a section of the Act;

(e) 'local officer' means any officer appointed as such for the purposes of the Act by the Government by notification in the Fort St. George Gazette.

3. On behalf of the Government, the local officer shall serve on every person whose project land the Government wish to purchase under section 3(1), a notice in Form A giving one month's time to such person to appear and produce before him evidence of the purchase price of and other particulars relating to the land.

(2) In cases where the person on whom a notice is served under sub-rule (1) does not appear, the local officer shall make such enquiries as he considers necessary and ascertain the purchase price of and other particulars relating to land.

(3) After ascertaining the purchase price, the local officer shall pass an order specifying the particulars of the land to be sold to the Government and the price at which it should be so sold and serve on the owner of the land a copy of the order.

(4) The amount fixed in the order aforesaid as the price payable, shall be paid to the owner of the land as early as possible.

(5) Soon after the payment of the amount, the local officer shall arrange to take possession of the land either personally or through an officer of the Revenue Department not below the rank of Revenue Inspector.

(6) The local officer shall also arrange to have a conveyance deed, which shall be a simple transfer deed, executed as soon as possible.

Note:-- Under the Indian Stamp Act, 1899 (Central Act II of 1899), the conveyance deed shall be exempt from stamp duty.

(7) The Local officer shall report to the Government through the Board of Revenue the particulars of the lands sold and taken possession of.

IV. The maximum extent of project land comprised in a ~~plot~~ referred to in section 5 shall be fifty acres.

V.(a) The application under section 7(1) shall be in Form B.

(b) (i) The certificate of eligibility under section 7(1) shall be in Form C and shall be issued by the District Collector concerned or any officer empowered by the Government in this behalf.

(ii) A copy of ~~the~~^{the} certificate shall be sent to the local officer, by the officer issuing the certificate.

VI. (a) The authority competent to grant permits under ~~section~~ section 8(1) shall be the local officer

(b) The permit granted by the local officer under section 8(1) shall be in Form D. A copy of the permit shall be sent to the officer who issued the certificate of eligibility and if that officer is not the Collector of the district in which the land permitted to be acquired is situated, also to such Collector. The holder of the permit shall resubmit the permit to the local officer within one month from the date of acquisition of the land with the original sale deeds or certified copies thereof, and if no land is acquired, within one month of the date of the expiry of the period within which the acquisition is permitted. The local officer shall, after making entries in the relevant registers, return the permit and the original sale deeds or certified copies thereof, if any, to the holder of the permit.

(c) The ~~maximum~~^{ma} extent of land which may be acquired by a person in pursuance of a permit granted under section ~~8~~ 8(1) shall be such as will not together with the lands already owned by him in the project area, exceed one hundred acres. The local officer, for reasons to be recorded in writing, may raise this limit after obtaining the approval of the Government, by general or special order.

(d) The local officer may impose, in the case of a contravention of any of the conditions of a permit aforesaid, a fine not exceeding fifty-rupees.

~~VII~~ (a) The authority competent to permit alienation of land under the proviso to section 9 shall be the local officer.

(b) The conditions subject to which such alienations may be permitted shall be as follows:-

(1) that the land shall not be alienated to a person other than a bona fide agriculturist or a person of means ~~desiring~~ desiring to invest money on lands with a view to develop the project area;

(2) that the land shall not be alienated to a member of a Hindu undivided family to which the alienor belongs or to his dependents or servants or to a firm, company or association of individuals, whether incorporated or not, of which he is a member or a shareholder;

(3) that the extent of land to be alienated shall not be less than five acres at a time;

(4) that the sale price of the land shall not exceed the amount for which it was purchased provided that the local officer may allow, in his discretion, interest on such amount at the effective borrowing rate of the Government from the date of investment and also reasonable compensation for improvements, if any, effect on the land;

(5) that the alienor shall pay to the Government before alienation, the land revenue assessment due on the lands;

(6) that the alienation shall be subject to the customary rights of the Government in streams, paths or roads running through the land and the right of the Government to share in mines and quarries subjacent to the land;

(7) that it shall be a condition of the alienation that commencing from the date when water from the Tungabhadra project is made available, the alienee shall bring the land under cultivation at the rate of five acres per year for dry crop and two acres per year for wet or garden crop.

Note: Alienation of ^{land} ~~and~~ made without a permit shall be null and void

VIII. The local officer may impose --

(a) in the case of land alienated in contravention of conditions (1) and (2) of rule VII (b), a fine not exceeding one hundred rupees per acre or part thereof on the extent of land so alienated;

(b) in the case of a contravention of any other condition of rule VII (b), a fine not exceeding twice the amount of land revenue payable on the land;

Provided that the aggregate of the fines imposed under this rule on any one person in respect of any single transaction shall not exceed one thousand rupees.

IX. Any fine imposed under these rules shall be ~~re-~~ recoverable by the local officer or any other person authorised by him as if it were an arrear of land revenue.

X. An appeal under section 11 shall lie to the Board of revenue

(1) in the case of an order imposing a fine, within sixty days from the date of ~~ser~~ service of the order;

(2) in every other case including a case of refusal to issue a certificate or permit, within forty days from the date of service of the relevant order.

XI. The ~~reg-~~ registers to be used and maintained shall be those given in the Appendix.

FORM A.

NOTICE OF DEMAND UNDER SECTION 3(1) OF MADRAS ACT XIII OF 1947.

See Rule III (1)

Whereas it ~~app~~ appears that you own more than fifty acres of project land purchased after the 1st October ~~19~~ 1944, the particulars whereof are given in the Schedule below;

Now, therefore, under section 3(1) of the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947 (Madras Act XIII of 1947), His Excellency the Governor of ~~the~~ Madras hereby demands that you should sell to the Government of Madras the excess over ~~fi~~ fifty acres at the price or prices for which the land was purchased by you.

You are further required to appear before the undersigned on any date within one month of the receipt of this notice at (hour) at (Place) in person or by authorized agent, to produce evidence of the purchase price of and other particulars relating to the project land owned by you and also to state which particular S.Nos. or portions thereof you are willing to sell to the Government of Madras.

(By Order of His Excellency the Governor)

Sd/-x x x x x
Local Officer

Schedule Showing Particulars of Project lands
Purchased After the 1st October 1944.

District Taluk Village S.No. Extent classification
Form B Dry wet garden.

Form of application for obtaining certificate of eligibility for acquisition of ~~land~~ lands.

[See section 7(1) of Madras Act XIII of 1947 and Rule V(a)]

1. Full name of the applicant.
2. Father's name*
3. Profession
4. Place of residence (village, taluk and district).
5. Particulars of land already owned by ~~the~~ and registered in the name of the applicant.-

District --
Taluk --
Village --
S.No. --
Extent --

Classification West-
Dry -
Garden-

6. Whether ~~the~~ he cultivates the land himself or employs hired labour.

7. Particulars of land required by the applicant in the project area.

District --
Taluk --
Village --
S.No. --
Extent --

Classi- | Wet -
- fication | Dry -
Garden--

8. Purpose for which the above lands are required-whether for cultivation by himself or by hired labour or for investment or in order to develop the project.

9. Name and address of the prospective vendor.

10. Date before which the applicant proposes to acquire the land.

Signature of the applicant.
Pco

Husband's name in the case of married women.

The application should be made in duplicate to the Collector of the district in which the applicant resides or any officer empowered by the Govt. in this behalf.

In respect of lands owned by the applicant outside the district, a certificate of verification from a revenue officer not below the rank of Revenue Inspector should be enclosed.

FORM C.

CERTIFICATE OF ELIGIBILITY 7 section 7(1) of Madras Act XIII of '47
and Rule V(b) 7

I, , , , ...
certify after due inquiry that son of
. residing in . . . village
in taluk, is eligible to acquire the ~~the~~ lands
specified below under the Tungabhadra Project, as (Here briefly
state the reasons).

Signature of the Officer

Designation

Copy to Local Officer (with a copy of the application)
Copy to the party.

FORM D.

PERMIT ISSUED UNDER SECTION 8 OF MADRAS ACT XIII OF *1947 7 See
rule VI (b) 7

1. Name of person ~~to~~ whom permit is granted.
2. Father's or husband's name.
3. Profession.
4. Place of ~~residence~~ residence-
(village, taluk and district).
5. Particulars of land permitted
to be acquired.

1. District -
2. Taluk -
3. Village -
4. S.No. -
5. Extent -
6. Classi- ☒ Wet -
fication. ☐ Dry -
Garden -
- Name and address
of the vendor

6. Date of issue-

7. Period of validity.

Signature of the Officer.
Designation

Note: Copy of the permit should be sent to the officer who issued
the certificate of eligibility and if that officer is not the
Collector of the district in which the land permitted to be
acquired is situated, also to such Collector.

Conditions:

1. This permit is valid only upto the date mentioned in
the permit.

2. The holder of the permit shall resubmit the permit to
the local officer within one month from the date of acquisition of ~~the~~
the land with the original sale deeds or certified copies thereof,
and if no land is acquired, within one month from the date of the

pre

of the expiry of the period fixed in the permit. The permit and the sale deeds or copies thereof, if any, will be returned to the holder of the permit.

3. The lands so ~~acq~~ acquired shall not be alienated until the ~~exp~~ expiry of a period of fifteen years from such date as may be notified in the Fort St. George Gazette by the provincial Government as the date on which the water from the Tungabhadra Project is made available for the irrigation of the land; and any alienation thereof made before the expiry of such period shall be null and void unless permission to so alienate has been obtained under the proviso to section 9 of the Act.

Register No.*1.

Register showing the lands under the Tungabhadra Project purchased by the Government.

(See section 3(1) of Madras Act XIII of 1947)

Taluk

District

1. (a) Serial No.
(b) C.~~S~~ No. in the personal register

2. Name of registered ^{and} ~~holder~~ holder

3. Father's or husband's name

4. ~~Ad~~ Address

5. Project land owned by him
on 1-10-1944

District

Taluk

Village

Extent in

each village

Dry

Wet

Gardent

6. Extent acquired by him
after 1-10-1944.

District ~~Sadur~~

Taluk

Village

Extent in each
village.

Dry ~~wa~~

Wet

Gardent

7. Date of issue of notice
(Under sec. 3(1) of the Act)

8. Date of service of notice

9. Date of enquiry

10. Particulars of land purchased
by Govt. from the registered holder.

District

Taluk

Village

Extent in

each village

Dry

Wet

Gardent

Total extent owned

Dry

Wet

Gardent

11. Amount of consideration
paid the Government for

Dry

Wet

Gardent

Total

12. Date of taking possession by
the Government.

13. Remarks - (Failure to appear before the enquiry officer, subsequent disposal of land, etc. to be noted here.

NOTE This register should be maintained separately for each taluk in which lands are purchased by the Government. When there are a large number of cases, an alphabetical village-war index should be maintained in the first page concerned village in the index.

Serial no. of cases should be noted against the

Register No: II

Register of certificates of eligibility issued (See section 7(2) of Madras Act XIII of 1947)

Taluk , , , . . . District

1. (a) Serial No.
(b) C.No. personal register.
2. Date of application, and outside No. if any
3. Name of the applicant
4. Father's or husband's name
5. Address
6. Occupation
7. Extent of project lands already owned by the applicant.

District
Taluk
Village
Extent { Dry
 Wet
 Garden
 Total
8. Particulars of lands applied for -

District
Taluk
Village
S.No.
Extent { Dry
 Wet
 Garden
 Total
9. Purposes for which the above lands are required - whether for cultivation by himself or by hired labour or for investment or in order to develop the project.

10. No. and date of issuing the certificate.
11. Particulars of lands in respect of which certificate of eligibility was issued --

District
Taluk
Village
S.No.
Extent { Dry
 Wet
 Garden
 Total

12. Remarks.

Note:-

This register should be maintained separately for each taluk, in respect of the lands for which certificate are issued. (could)

Register No.III

Register of permits.

(See section 8 of Madras Act III of 1947)

Taluk

District

1. Serial No.
2. Date of receipt of application
3. Applicant's name
4. Father's or husbands name .
5. Address
6. Certificate of eligibility
Number and date
7. Particulars of lands already owned

District
Taluk
Village
Extent Dry
 Wet
 Garden
 Total

8. Extent applied for acquisition --

District
Taluk
Village
Extent Dry
 Wet
 Garden
 Total

9. Particulars of land sanctioned in
the permit

District
Taluk
Village
Extent Dry
 Wet
 Garden
 Total

10. Time allowed in the permit
11. Date of the resubmission of the permit
12. Particulars of lands acquired

Village
Taluk
S.No.
Extent Dry
 Wet
 Garden
 Total

13. Particulars of amount paid

Dry
Wet
Garden
Total

14. Remarks (here enter order of
rejection)

Note.

This register should be maintained separately for each taluk.

(contd)

1 /

Register No. IV.

Register showing applications for alienation of Project lands.

(See section 9 of Madras Act XIII of 1947)

Taluk

District

1. Serial No..

2. ~~No~~ Name of the applicant

3. Father's or husband's name

4. Date of receipt of application
for alienation under section 9

5. Address

6. Particulars of land proposed
to be alienated-
District
Taluk
Village
S.No.

Extent Dry
 Wet
 Garden
 Total

7. Reasons assigned for alienation

8. Name of alienee

9. Father's name

10. Address

11. No. and date of final order

12. Whether permission granted or not

13. Particulars of ^Lland permitted to be
alienated

District
Taluk
Village
Extent Dry
 Wet
 Garden
 Total

14. Remarks

(Note This register should be maintained separately for
each taluk.)

Register V

Register showing the penalties levied.

Taluk

District

1. Serial No.

2. Permit No. and date, or alienation
register No. and date

3. Name of the permit - holder or
alienor

4. Father's name

5. Address

6. Particulars of breach of permit

~~Amount~~ 7. Amount of penalty *levied*

8. Date of collection

9. ~~Date of collection~~ Date of credit into the
treasury with chalan number

10. ~~Da~~

NOTE This register ~~sho~~ould be maintained separately
for each taluk.

Memo. No. 5415-H/47-18-dated 25-8-1948.

ACTS - The Tungabhadra Project (Prevention of speculation in land) Act, 1947 - Rules - Local Officer
Appointment and delegation of powers.

The appended notifications will be published in Part I of the Fort St. George Gazette dated ~~31-8-1948~~.

7-9-'48

Sd/-x x x x x

To
The Board of Revenue.
The Collectors of Kurnool and Bellary.
The Special Chief Engineer.
The Superintendent Government Press for publication of notification.
The Director of Information and publicity.
The Public Works Department.
The Finance Department.
The Legal Department.

Appendix

NOTIFICATION I

Under Section 59(2) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby makes the following rule:

Rule

Notices issued under section 3(1) of the Tungabhadra Project (Prevention of Speculation in land) Act, 1947 (Madras Act XIII of 1947) shall be authenticated by the signature of the local officer appointed under rule II of the Tungabhadra Project (Prevention of Speculation in Land) Rules, 1948.

NOTIFICATION II

Under rule (II) (e) of the Tungabhadra Project (Prevention of Speculation of Land) Rules, 1948, His Excellency the Governor of Madras hereby appoints the Special officer of the Tungabhadra Project as the local officer for purposes of the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947 (Madras Act ~~XIII~~ of 1947)

Sd/-x x x x x x

Revenue Department

O.MNNO. 5415-H/47-24- dated 1-2-1949.

ACES - The Tungabhadra Project (Prevention of Speculation in Land) Act, 1947 (Madras Act XIII of 1947)-Form of common register under Sec. 14(2) (c) of the Act-Publication-Notification Confirmed.

Govt. Memo.No. 5415-H/47-2-Rev. dated 25-11-48.

The appended notification will be published in the Fort St. George Gazette.

Sd/-x x x x

To
The Board of Revenue.
The Chief Engineer (Irrigation)
The Superintendent of Government Press for publication
of ~~in~~ the notification.
The Director of Information and Publicity.
The Collectors of Kurnool and Bellary.
The P.W.Department.
The Legal Department.
The Finance Department.

Appendix-

Notification

In exercise of the powers conferred by section 14(2) (c) of the Tungabhadra Project (Prevention of speculation in Land) Act, 1947 (Madras Act XIII of 1947), His Excellency the Governor of Madras hereby makes the following amendment to the Tungabhadra Project (Prevention of Speculation in Land) Rules, 1948, published at pages 212²¹ of the Rules Supplement to Part I of the Fort St. George Gazette, dated the 31st August 1948.

Amendment

In the appendix to the said rules, after the entries relating to Register No.V, the following A shall be added, namely:-

"Register No.VI.

COMMON REGISTER SHOWING THE CHANGES IN OWNERSHIP
OF THE TUNGABHADRA PROJECT LANDS.

(To be maintained by the Karnam for each village, and
by the Tahsildar for each taluk)
(See section 14(2) (c) of the Tungabhadra Project
(Prevention of speculation in Land Act, 1947
(Madras Act XIII of 1947)

Section I- Transfers.

1. Serial No.
2. Name of transferor.
3. Father's name.
4. Address.
5. Particulars of holdings owned before transfer
(a) village (b) survey numbers (c) Extent of each
survey number (d) classification, viz. wet dry or garden,
(e) Assessment (f) Total extent ~~owned~~ owned.
6. Nature of transfer.
7. Price paid or nature of consideration.

(contd.)

8. Name of transferee

9. Father's name.

10. Address

11. Particulars of lands transferred:

- (a) Village (b) Survey numbers (c) Extent of each survey number (d) classification viz. wet, dry, or garden (e) Assessment (f) Total extent transferred.

12. No. and date of Collector's order authorizing the transfer.

13. Remarks.

Section II-Holdings.

1. Serial No.

2. (a) Name

(b) Address of owner

3. Particulars of holdings (1) Village (2) Survey numbers (3) Extent (4) Classification viz. wet, dry or garden (5) Assessment.

4. Total extent owned.

5. Particulars of changes. (a) Additions:-

- (1) Date of addition (2) Nature of change (3) Village (4) Survey numbers (5) Extent (6) Classification viz., wet, dry or garden (7) Assessment.

(b) Deletions.

- (1) Date of change (2) Nature of change (3) Village. (4) Survey numbers (5) Extent (6) Classification, viz. wet, dry or garden (7) Assessment.

6. Total extent owned after change.

7. Serial number of transfer in Section I.

8. Remarks.

Note:- Section II need ^{be} to be written up only as a case arises in Section I, as the village Account No. 10-I contains a record of the holdings of each pattadar for all practical purposes. For each entry in Section I, there will be two entries in section II, viz., one against the transferor and another against the transferee.

A village-war index (on lines similar to those for other taluk Registers) should ^{be} written up in the taluk "Common Register" to facilitate reference."

Revenue Department

The memo on pages 71-73 c.f. has been issued. Attention is invited to the last sentence of the letter on 69-70 c.f. A copy of the amendment on pages 71-73 ~~is~~ may be forwarded to the Government, Orissa in continuation of the letter on pages 69-70 c.f. A draft letter is submitted for approval. As no further action is called for in the file the papers may, after issue of the draft letter, be recorded as a G.O. for facility of future reference. The draft order in the margin is also for approval.

Sd/ V.K. Rao,
Deputy Secretary,
7.2.49.

Issued as a letter No. 5415-H/47-25 Revenue-d/9.2.1949.

(G.O.Ms.No. 345-Revenue-Dated 14-2-1949.)

G.O.Ms.No. 345-Dated 14-2-1949.

R E C O R D E D.

Sd/-x x x x x x

Abstract:

Acts - The Tungabhadra Project .
(Prevention of Speculation in Land)
Act, 1947 - Rules issued - Papers Recorded.

/True Copy/

SP/5.2.

5/3/52

N. N. Chatterjee
5.3.54

Office Assistant,
Madras Record Office.